

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KELTON DAVIS, WILLIAM TURNER,  
EDWIN LARREGUI, ANTHONY  
ANDERSON, SHAWNE JONES, HECTOR  
SUAREZ, ADAM COOPER, DAVID  
WILSON, GENEVA WILSON, ELEANOR  
BRITT, ROMAN JACKSON, KRISTIN  
JOHNSON, LASHAUN SMITH, ANDREW  
WASHINGTON, PATRICK LITTLEJOHN,  
RAYMOND OSORIO, VAUGHN  
FREDERICK, and R.E., by her parent D.E.,  
individually and on behalf of a class of all  
others similarly situated,

Plaintiffs,

- against -

THE CITY OF NEW YORK and NEW  
YORK CITY HOUSING AUTHORITY,

Defendants.

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SHIRA A. SCHEINDLIN, U.S.D.J.:

USDC SDNY  
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MEMORANDUM OPINION  
AND ORDER

10 Civ. 0699 (SAS)

This short Memorandum Opinion and Order accompanies the Final Order of Approval of Settlement and Dismissal with Prejudice filed together with this Order. I write solely to note that I am ordering the transfer of this case to Judge Analisa Torres – at the request of all parties – because this case is undoubtedly related to two other cases now pending before her – *Floyd v. City of New York*, and *Ligon v. City of New York*.

A brief history is in order. *Daniels v. City of New York* was filed in 1999.<sup>1</sup> That case resulted in the entry of a Stipulation of Settlement, in which the City agreed to maintain a written anti-racial profiling policy that complies with the U.S. and New York State Constitutions, to audit officers who engage in stop and frisks, and to provide the results of these audits to plaintiffs' attorneys. This Court retained jurisdiction over the performance of the Stipulation for four years. Near the end of that period, the *Daniels* plaintiffs alleged that the City was not complying with the Stipulation. Their complaint could have been heard as a contempt proceeding or as a new and related lawsuit challenging the City's compliance with this Court's order in *Daniels*. The latter course was chosen and *Floyd* was filed in 2008.<sup>2</sup> *Davis* was filed two years later in 2010,<sup>3</sup> and *Ligon* two years after that in 2012.<sup>4</sup> All three cases challenged the City's allegedly unconstitutional implementation of stop and frisk policies by the New York City Police Department. *Floyd* and *Ligon* were resolved after a trial and a preliminary injunction hearing respectively, in which certain remedies were ordered. These

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<sup>1</sup> No. 99 Civ. 1695 (filed March 8, 1999).

<sup>2</sup> No. 08 Civ. 1034 (filed January 31, 2008).

<sup>3</sup> No. 10 Civ. 699 (filed January 28, 2010).

<sup>4</sup> No. 12 Civ. 2274 (filed March 28, 2012).

remedies are now known as the “Joint Remedial Process.” The City initially appealed those judgments. While the appeals were pending the Court of Appeals ordered the cases reassigned to a new judge.<sup>5</sup> While the appellate court suggested that the cases were improperly accepted as related to *Daniels*,<sup>6</sup> it nonetheless reassigned the two cases in tandem.<sup>7</sup> The City announced its intent to withdraw its appeals when a new administration took office in January 2014. When the withdrawal of the appeals was finalized, the Joint Remedial Process began.

Now that the *Davis* case has been settled, and this Court has found that the settlement is fair, reasonable, and adequate, the parties have *jointly* requested that the *Davis* case be transferred to Judge Torres as it is *related* to *Floyd* and *Ligon* and all parties believe that the three related cases should be part of one remedial process.<sup>8</sup> I, too, believe that there should be one remedial process as the

<sup>5</sup> *Ligon v. City of New York*, 736 F.3d 118 (2d Cir. 2013).

<sup>6</sup> See *id.* at 124–26.

<sup>7</sup> See *id.* at 129.

<sup>8</sup> See Stipulation of Settlement and Order at 10 [Dkt. 330]. See also Transcript of Fairness Hearing, April 22, 2015, Remarks of Jin Hee Lee, counsel for Plaintiffs, at 7–8 (“And, perhaps most importantly, this settlement calls for the plaintiffs’ participation as equal parties in the court monitoring process that was ordered in the *related* case of *Floyd v. City of New York*.”) (emphasis added). See also *id.* at 8 (“And through this court monitoring process plaintiffs will work in collaboration with the City, the court monitor and the plaintiffs in both *Floyd* and also the other *related* case, *L[i]gon v. City of New York*, to implement systemic

cases all challenged the same conduct and the remedies imposed by this Court will benefit the plaintiffs in all three cases.

I am transferring the *Davis* case with regret as it would have been most appropriate for the judge that supervised this case – and the related cases – for more than five years to supervise the implementation of the remedies imposed by the Court or agreed to by the parties. Nonetheless, I do so because it is most important that the parties work together in one Joint Remedial Process to repair the damage that was done during the years that the defendants in these cases violated the plaintiffs' constitutional rights. The Joint Remedial Process is underway and like all New Yorkers I have the highest hopes for its success.

SO ORDERED:



Shira A. Scheindlin  
U.S.D.J.

Dated:      New York, New York  
                April 28, 2015

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reform of the NYPD.”) (emphasis added).

## Appearances

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